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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 66th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 9 March 1994, at 7.00 p.m.

Chairman: Mr. WULFFTEN PALTHE (Netherlands)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

* The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.66/Add.1.

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The meeting was called to order at 7.30 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(agenda item 12) (continued) (E/CN.4/1994/L.40, L.77-84, L.85/Rev.1, L.86/Rev.1, L.87, L.90, L.91, L.93/Rev.1, L.95-97, L.99, L.100, L.101/Rev.1 and L.102)

Draft resolution on the situation of human rights in Haiti (E/CN.4/1994/L.91)

1. Mrs. VERLEZZA (Venezuela), introducing the draft resolution on behalf of its sponsors, said that it reflected deep concern at the situation of human rights in Haiti, which had worsened despite the efforts made by the United Nations and the Organization of American States. The text took into account the relevant action of the General Assembly at its forty-eighth session, and the Special Rapporteur's recommendations. It decided to renew the latter's mandate for a further year and requested that he be allowed access to Haiti. She hoped that it would be adopted by consensus.

2. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Australia, Canada, Cuba, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and the observers for Greece, Jamaica, Switzerland and Turkey had become sponsors of the draft resolution, which was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

3. Draft resolution E/CN.4/1994/L.91 was adopted.

Draft resolution on human rights violations in the Papua New Guinea island of Bougainville (E/CN.4/1994/L.93/Rev.1)

4. Mr. GWAM (Nigeria), introducing the draft resolution on behalf of the sponsors, which had been joined by the observer for Gambia, summarized its contents. He drew attention to several additional changes that had been made as a result of informal consultations. In the third preambular paragraph, the word "Recognizing" should be followed by the word "also", and the words "by the indigenous people" should be replaced by "of the people". In the fifth preambular paragraph, the words "European Economic Community" should be replaced by "European Economic Commission", the words "as well as some other relevant international observers" being deleted.

5. Operative paragraph 1 had been revised to read "Welcomes Papua New Guinea's statement to the General Assembly, at its forty-eighth session, that it is prepared to commence negotiations with representatives of various groups in the province of Bougainville but regrets that the Government has not advised of any subsequent progress towards such negotiations;". Operative paragraph 2 had been revised to read "Calls for peace and negotiations between

the Papua New Guinea Government and the various groups in the province of Bougainville to be urgently pursued;". In operative paragraph 3, the words "Calls upon" should be replaced by "Also calls on". In operative paragraph 4, the words "Also calls upon" should be replaced by "Further calls upon the Government of Papua New Guinea and", and the phrase "on the island" replaced by "in the island". The first part of operative paragraph 7 had been revised to read "Requests the Secretary-General in the light of the development between the adoption of this resolution and 30 September 1994 to consider the appropriateness of appointing a special representative whose mandate may include: (a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of the various groups in the Papua New Guinea province of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;". Subparagraphs (b), (c) and (d) would remain unchanged.

6. The sponsors hoped that, as a result of the further changes they had made, the draft resolution could be adopted without a vote.

7. Mr. EAFEARE (Observer for Papua New Guinea) said that the draft resolution in question was of direct concern to his Government, which was unable, at the current late stage, to counter in detail the allegations made about human rights violations in Bougainville. It nevertheless strenuously objected to the adoption of any such resolution, which was not only based on unsubstantiated allegations from questionable sources but, what was more important, had been superseded by action under its rehabilitation and restoration programme. While acknowledging that information had not been furnished to the Commission, it regretted that diplomatic channels had not been used by the sponsors to verify the information obtained from other sources.

8. No United Nations resolution or publicity by so-called representatives of Bougainville could alter the province's legal, constitutional, political and cultural status as an integral part of Papua New Guinea. His Government's actions to date amply illustrated its genuine desire to restore Bougainville's vibrant economy. It was for the Government alone, with whatever minimum outside assistance it deemed necessary, to deal with the situation, which outside interference would only prolong. The Government was confident of resolving the situation in the near future.

9. Papua New Guinea and its Government ranked with the best in respect for human rights and fundamental freedoms. From its beginnings as an independent State, the country had embodied human rights provisions in its Constitution, covering all internationally recognized human rights, and more. No honest assessment of the situation there could leave any doubt as to his Government's good record in that regard. A closer look at the operation of some of the provisions in Papua New Guinea would not be amiss. For example, political and extrajudicial killings, and disappearances for political reasons, were unheard of. In fact, because of the wantoks system, typical of Melanesian culture, disappearances would never be tolerated.

10. His Government shared the concerns voiced by the sponsors of draft resolution E/CN.4/1994/L.93/Rev.1 and had no intention whatsoever of denying the Commission, or any Special Rapporteur appointed in regard to the situation in Bougainville, information thereon. It was simply a question of arrangements. A request for special observers from the European Parliament remained unfulfilled pending receipt of information concerning the dates of a visit. In April 1994, an Australian delegation would be visiting the country. The international media had an open invitation to visit, provided that the authorities received due notification in order to ensure safe conduct.

11. His delegation appreciated the cooperative spirit shown, especially by the Australian and Nigerian delegations, in producing the amended text of the draft resolution, which his delegation regarded as a good basis on which to proceed.

12. Draft resolution E/CN.4/1994/L.93/Rev.1, as orally revised, was adopted.

Draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/1994/L.95)

13. Ms. PENNEGARD (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, summarized its contents, drawing attention in particular to the urgent appeal, in operative paragraph 2, for effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions. The sponsors believed that adoption of the draft resolution would help to promote such action and thus hoped, therefore, that it would be adopted without a vote.

14. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegation of the Republic of Korea and the observers for El Salvador, Ethiopia, Haiti and Lithuania had become sponsors of the draft resolution, which was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

15. Mr. SOUALEM (Observer for Algeria) said that the cases mentioned in respect of Algeria in the Special Rapporteur's report (E/CN.4/1994/7 and Corr.1 and Add.1 and 2), included the case of a minor - an entry which the Special Rapporteur had acknowledged to be an error.

16. The CHAIRMAN said that the Secretariat would issue the requisite corrigendum.

17. Mr. KHOURY (Syrian Arab Republic) said that his delegation was not satisfied with the way in which the Special Rapporteur had proceeded in the case of allegations relating to the Syrian Arab Republic; he had classified as "arbitrary" the execution of a number of duly tried and sentenced common criminals who had been responsible for killing 70 people. His delegation was puzzled that the case had come to be cited in the report; nevertheless, if there appeared to be a consensus in favour of the draft resolution, his delegation would not oppose it.

18. Draft resolution E/CN.4/1994/L.95 was adopted.

Draft resolution on the situation of human rights in southern Lebanon (E/CN.4/1994/L.96)

19. Mr. ENNACEUR (Tunisia), introducing the draft resolution on behalf of its sponsors, which had been joined by the observer for the United Arab Emirates, said that the text was basically the same as that of a similar resolution adopted at the Commission's previous session.

20. A number of changes had been made in the text of the draft resolution. In the penultimate line of the first preambular paragraph, the word "Fourth" should be added before the words "Geneva Convention". The third preambular paragraph should begin with the word "Deploring" instead of "Denouncing". In the second line of the fifth preambular paragraph, the words "the occupied region of" should be inserted before the words "southern Lebanon".

21. In operative paragraph 2, the word "relevant" in the second line should be replaced by the words "above-mentioned". In the third line of operative paragraph 4, the word "those" should replace the word "the" before "Lebanese and other prisoners"; and the words "other rules of" should be inserted before the words "international law" in the fourth line.

22. At the request of the representative of the United States of America, a vote was taken on draft resolution E/CN.4/1994/L.96.

23. At the request of the representative of Tunisia, the vote was taken by roll-call.

24. Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Angola, Cameroon, Côte d'Ivoire.

25. Draft resolution E/CN.4/1994/L.96, as orally revised, was adopted by 48 votes to 1, with 3 abstentions.

Draft resolution on the situation of human rights in Afghanistan (E/CN.4/1994/L.97)

26. The CHAIRMAN gave an account of the main features of the draft resolution adding that, traditionally, resolutions proposed by the Chairman were not put to the vote.

27. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

28. Draft resolution E/CN/4/1994/L.97 was adopted.

Draft resolution on the situation of human rights in Myanmar (E/CN.4/1994/L.99)

29. Mr. DAUFRESNE de la CHEVALERIE (France) said that the report of the Special Rapporteur (E/CN.44/1994/57) gave a clear picture of the situation of human rights in Myanmar. The draft resolution strove to take a balanced view, both reflecting the international community's concern over the continued detention of Daw Aung San Suu Kyi and acknowledging the progress that had been achieved and the greater cooperation extended by the Government to the Special Rapporteur. He therefore believed that the draft resolution could be adopted by consensus as the similar resolution had been at the Commission's previous session.

30. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Australia, Bulgaria, Chile, Hungary, Poland and the United States of America and the observers for Iceland, Portugal, Slovakia, Sweden and Switzerland had become sponsors of the draft resolution.

31. U TIN KYAW HLAING (Observer for Myanmar) said that his delegation was deeply troubled by the highly intrusive and politicized nature of the draft resolution. Practically every paragraph was based on subjective value judgements and allegations emanating from politically motivated people who attempted to denigrate the Myanmar authorities and prescribe how the country should be run.

32. His delegation felt particularly strongly about the sixth and seventh preambular paragraphs and operative paragraphs 7 and 8, which contained sweeping generalizations. His Government had already rebutted all the allegations, which were unfounded. He emphasized that it was not the policy of the Government to repress its own people on the grounds of their race, their religion or their minority grouping. On the contrary, it was committed to a policy of national reconciliation and solidarity. He added that the armed forces were not permitted to break the law with impunity.

33. As for the civil liberties and the legal system in Myanmar, he said there was a comprehensive legal framework based on universally recognized norms such as the equality of all citizens before the law and the right to be presumed innocent until proved guilty. Citizens enjoyed full rights throughout the

whole legal process, from pre-trial detention to the right to appeal. Myanmar was working towards the establishment of a multiparty democratic State based on universal principles of justice, liberty and equality.

34. To safeguard national security against unsavoury elements which obstructed the laying down of a firm foundation for an enduring democratic system could not be characterized as a violation of the freedom of association or expression. The Government's aims could succeed only when there was stability and when the rule of law prevailed. He emphasized that peaceful political activity within the law was permitted and was practised by all political parties.

35. With regard to the fourth and sixteenth preambular paragraphs and operative paragraphs 2, 10 and 11, he reiterated that detainees had been released and were being released. Some individuals were kept under restraint for infringing the law.

36. As for the National Convention, its purpose was to draw up basic principles to be enshrined in the new democratic Constitution. The Convention was broadly based and the delegates represented all walks of life.

37. To ignore such positive realities would be most unfair and cynical. His delegation could not agree with the Special Rapporteur's assessment, which cast doubt on the progress being achieved by the Convention towards a multiparty democratic system.

38. To date 104 principles for embodiment in the Constitution had been hammered out and approved by consensus. It was most disappointing that the draft resolution failed to recognize the significant developments that had taken place in Myanmar. His Government had shown its goodwill and sincerity in cooperating with the United Nations in all fields and intended to continue to do so as far as its national circumstances permitted.

39. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

40. Draft resolution E/CN.4/1994/L.99 was adopted.

Draft resolution on the situation of human rights in Burundi
(E/CN.4/1994/L.100)

41. Mr. SOB (Cameroon) said that the political crisis following the attempted coup d'état of 21 October 1993 had resulted in some 50,000 deaths, 300,000 internally displaced persons and about 1 million refugees. Burundi thus needed the support of the international community to prevent further violations of human rights.

42. The sponsors of the draft resolution had remained open to suggestions until the last minute. Consequently, there were a number of changes to be made to the text. In the first line of the third preambular paragraph, the

words "the increase in" should be deleted. In the first line of the fourth preambular paragraph, the word "fleeing" should be replaced by the words "who have fled". At the end of the same paragraph, the words "and by the large number of internally displaced persons" should be added.

43. In the third line of operative paragraph 1, the words "military coercion" should be replaced by "requests that all social elements, both civilian and military, respect the country's Constitution". In the first line of operative paragraph 2, the words "to continue" should be inserted before the words "to lead" and the word "massacres" replaced by the words "acts of violence". At the end of operative paragraph 3, the clause "it also thanks the international community for its humanitarian assistance to the citizens of Burundi during the crisis" should be added.

44. In operative paragraph 5, second to fourth lines, the text between the words "dispatch to Burundi" and the words "advisory group" should be replaced by: "current efforts to set up an international mission with the task of establishing the facts surrounding the attempted coup d'état and the subsequent violence". In the second line of operative paragraph 8, the phrase "human rights violations arising from the" should be inserted before the words "coup d'état".

45. Operative paragraphs 9-11 should be deleted and replaced by a new operative paragraph 9 to read:

> "Requests the Secretary-General to report to it at its fifty-first session on the situation of human rights in Burundi, on the basis of all the relevant information".

46. In the first line of new operative paragraph 10 (former 12), the word "requests" should be replaced by the word "encourages", the words "the Secretary-General to provide" being deleted, and the word "with", in the second line, should be replaced by the words "to seek".

47. He hoped that the draft resolution could be adopted by consensus.

48. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Cameroon, Chile, France, Malawi and the United State of America and the observers for Belgium, Ethiopia, Gambia, Ghana and Senegal had become sponsors of the draft resolution.

49. Draft resolution E/CN.4/1994/L.100, as orally revised, was adopted.

Draft resolution on the situation of human rights in Zaire
(E/CN.4/1994/L.101/Rev.1)

50. Mr. DAUFRESNE de la CHEVALERIE (France) said that the draft resolution was the product of long consultations to find the best way to advance the cause of human rights in Zaire. He commended it to the Commission.

51. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Hungary, the United Kingdom of Great Britain and Northern Ireland and the United States of America and the observer for

Luxembourg had become sponsors of the draft resolution. As for the administrative and programme-budget implications of the resolution, the resources required to implement the request contained in operative paragraph 8 were estimated at US$ 25,000 for 1994. A statement on the administrative and programme-budget implications of the resolution would be submitted to the Economic and Social Council at its forthcoming session in the context of the Council's review of the report of the Commission on Human Rights on its fiftieth session.

52. Mr. KESSEL (Canada) said that his delegation wished to become a sponsor of the draft resolution.

53. Draft resolution E/CN.4/1994/L.101/Rev.1 was adopted.

Draft resolution on the situation of human rights in Angola (E/CN.4/1994/L.102)

54. Mr. SOB (Cameroon) said that the conflict in Angola had cost many lives and destroyed the country's infrastructure. The United Nations and the Organization of African Unity must thus do everything possible to support efforts to negotiate a peace. The draft resolution encouraged the Government of Angola to apply for technical assistance from the Centre for Human Rights, which he hoped the Centre would be able to supply.

55. There were three last-minute changes to be made to operative paragraph 4: in the second line, the words "particularly UNITA" should be deleted; in the third line, the words "at the talks at Lusaka" should be deleted and, at the end of the paragraph, the phrase "and equally refrain from action impeding the delivery of humanitarian aid" should be added.

56. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Angola, Chile, Costa Rica, Gabon, Germany, Hungary, Islamic Republic of Iran, Lesotho and the United States of America and the observers for Argentina, Belgium, Greece, Ireland, Israel, Morocco, Norway, Spain, Swaziland, Sweden and Zaire had become sponsors of the draft resolution.

57. Draft resolution E/CN.4/1994/L.102, as orally revised was adopted.

58. Mr. CORREIA (Angola) said that his Government and people would do everything in their power to achieve peace and to build the reconciliation they so much desired. He appealed to the conscience of the international community, urging it to provide all possible help to the Angolan people in their sufferings.

Draft resolution on the situation in Equatorial Guinea (E/CN.4/1994/L.78)

59. Mr. RHENAN SEGURA (Costa Rica), introducing the draft resolution, reviewed its main points and noted that it decided that the mandate of the Special Rapporteur would be renewed for one year and that the question of Equatorial Guinea would be considered by the Commission under agenda item 12 at its fifty-first session.

60. There were four changes to be made to the text. In the sixth preambular paragraph, the words "pluralistic nature" should be replaced by the word "transparency". In the seventh preambular paragraph, the words "the report states that" should be inserted after the words "Concerned by the fact that". In operative paragraph 2, the words "at the persistence" should be replaced by: "that the report notes the persistence". In operative paragraph 7, the word "re-open" should be replaced by the word "continue". He hoped that, with those revisions, the draft resolution could be adopted without a vote.

61. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegation of Uruguay and the observer for Switzerland had become sponsors of the draft resolution. The resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

62. Draft resolution E/CN.4/1994/L.78, as orally revised, was adopted.

63. The CHAIRMAN read out the following text of a draft decision entitled "Question of human rights in Cyprus":

> "At its sixty-sixth meeting, on 9 March 1994, the Commission decided, without a vote, to postpone the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", to its fifty-first session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation".

64. The draft decision read out by the Chairman was adopted without a vote.

65. Mr. EICHER (United States of America) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.93/Rev.1 on the basis of the following propositions: the United States recognized Bougainville to be an integral part of Papua New Guinea and the efforts of the Papua New Guinea Government to restore the rule of law on Bougainville offered the best hope of safeguarding the human rights of the residents of Bougainville without, however, justifying human rights abuses by government forces.

66. His delegation called upon the Government of Papua New Guinea, as the sovereign authority in Bougainville, to safeguard the lives of persons taken into custody by its security forces; to facilitate access to Bougainville by domestic and international media and non-governmental organizations; and to negotiate an end to the conflict.

67. His delegation noted continued reports of serious human rights violations by insurgent forces and called upon their leaders to cease such abuses and to negotiate in good faith with the Government of Papua New Guinea.

68. His delegation urged both the Government of Papua New Guinea and the insurgent forces to expedite the flow of humanitarian assistance to civilians

on Bougainville, while recognizing the legitimate interest of the Government in preventing the shipment of illegal arms or other munitions to Bougainville that could prolong the conflict.

69. Mr. GWANMESIA (Cameroon) said that his delegation had voted in favour of the procedural motion for non-action on the draft resolution on the situation of human rights in China (E/CN.4/1994/L.83), since it took the view that the protection and promotion of human rights must be part of a process of dialogue, cooperation and solidarity, directed, not at mankind in the abstract, but at human beings in their economic, social and cultural context. Recognition of the diversity of situations called for a less dogmatic approach to Governments' human rights efforts.

70. The draft resolution failed to take account of that requirement; nor did it recognize the major changes taking place in China. An attempt to speed up those changes at any price would prejudice the transition to a more open society and greater respect for human rights that was under way.

71. Mr. MALGINOV (Russian Federation) said that his delegation had voted against the procedural motion for non-action on draft resolution E/CN.4/1994/L.83. It was opposed in principle to the adoption of a large number of resolutions on a single item, a process that could lead to conflicting decisions and to confusion, and one that complicated the Commission's work. However, also for reasons of principle, it could not support initiatives aimed at using a procedural motion to prevent the discussion of the substance of the question. If the substance of the draft resolution had been put to the vote, his delegation would have abstained, for the reasons it had explained in its statement.

72. Mr. KHOURY (Syrian Arab Republic) said that his delegation deplored the fact that, as had happened at the Commission's forty-ninth session also, the draft resolution on the situation of human rights in Iraq (E/CN.4/1994/L.82) once again dealt with the question in a selective and racist manner, and in a way that could be detrimental to the territorial integrity of Iraq. Its most dangerous aspect was the request to the Secretary-General to send human rights monitors to certain areas. Such a measure, which constituted interference in the internal affairs of a member State, could well provide a precedent that was contrary to the purposes and objectives of the Charter of the United Nations.

73. As for the draft resolution on the situation of human rights in Jammu and Kashmir (E/CN.4/1994/L.40), he said that his Government, which enjoyed very close links with both the parties to the dispute, had invited them to pursue restraint as a means of reducing tension, and to find a peaceful solution to the dispute through dialogue, without the use or threat of force.

74. Mr. MARUYAMA (Japan) said that, although his delegation had voted in favour of draft resolution E/CN.4/1994/L.96 as a whole, it had certain reservations regarding the third preambular paragraph, which denounced "the repeated Israeli aggression in southern Lebanon". His Government's position was that all the parties should exercise the utmost self-restraint and refrain from the use of force, so as to avoid a deterioration of the situation in the region.

75. His Government was committed to the goal of achieving both democracy and respect for human rights in Myanmar, and had thus joined in the consensus on draft resolution E/CN.4/1994/L.99. However, while there had been many encouraging developments in the situation since the Commission's previous session, his delegation hoped that the Government of Myanmar would take further practical steps to improve the human rights situation. It also urged that Government to respond to the draft resolution and to cooperate with the Special Rapporteur.

76. Mr. GARRETON (Chile) said that his delegation had voted in favour of the draft resolution on the situation of human rights in Cuba (E/CN.4/1994/L.79), because of the grave situation there regarding the effective recognition of civil and especially political rights. Nevertheless, his delegation would have preferred the draft resolution to reflect two other matters referred to in the report of the Special Rapporteur (E/CN.4/1993/51): first, the progress made by the regime in securing the effective enjoyment of economic, social and cultural rights, and secondly, the deleterious effect of the economic embargo imposed on Cuba.

77. Mr. BROTODININGRAT (Indonesia) said that his delegation had, in fact, abstained in the roll-call vote on the draft resolution on the situation of human rights in Iraq (E/CN.4/1994/L.82), but its vote had somehow been misrecorded. He asked for the record to be corrected.

78. In joining the consensus on the draft resolution on human rights violations in the Papua New Guinea island of Bougainville (E/CN.4/1994/L.93/Rev.1), his delegation wished to reaffirm its recognition that Bougainville formed part of the territorial integrity of Papua New Guinea. It also had reservations regarding operative paragraph 7 (b) since it considered it was not appropriate for the Commission to give instructions to the Secretary-General on matters pertaining to peace-keeping and peacemaking.

79. Mr. FLINTERMAN (Netherlands) said that his delegation had voted in favour of the Russian proposal not to consider the draft resolutions on the situations of human rights in the Republic of Bosnia and Herzegovina (E/CN.4/1994/L.84) and in Kosovo (E/CN.4/1994/L.85/Rev.1) because it agreed with the view that the question of violations of human rights in the former Yugoslavia had already been well covered in draft resolution E/CN.4/1994/L.80, which had been adopted without a vote.

80. When the Russian proposal had been rejected and a roll-call vote requested on draft resolution E/CN.4/1994/L.84, his delegation had decided to vote in favour, because it agreed with the general thrust of the resolution and because of the well-documented massive human rights violations and violations of international humanitarian law in Bosnia and Herzegovina. Nevertheless, it was of the opinion that the text lacked the requisite balance - a balance that was better reflected in draft resolution E/CN.4/1994/L.80. It also had reservations about the term "genocide", over-free use of which would undermine the precise content of a clearly defined legal concept.

81. In his delegation's view, the draft resolution on the situation of human rights in southern Lebanon (E/CN.4/1994/L.96) did not reflect the actual situation in that area in a balanced way. However, following the adoption of the Tunisian amendments, it had voted in favour of the draft resolution despite its concern that all acts of violence in southern Lebanon, whatever their origin, should have been reflected therein.

82. Mr. KUEBART (Germany) said that his delegation had based its vote on draft resolution E/CN.4/1994/L.84, on the situation of human rights in the Republic of Bosnia and Herzegovina, on the findings of the Special Rapporteur, whose report on the subject (E/CN.4/1994/110) - the tenth in less than two years - revealed that the situation had not improved. It had voted in favour of that draft resolution because it addressed the relationship between human rights concerns and the political context, two interrelated aspects of the question. In that connection, he wished to remind the Commission of the Special Rapporteur's statement that his proposals must be given a political follow-up, and that human rights must take their place in the political negotitions to deal with the war in Bosnia and Herzegovina, the crisis in Kosovo and the situation in the Sandjak.

83. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said that her delegation had voted against the draft resolutions on the situations of human rights in Cuba, the Islamic Republic of Iran and the Sudan (E/CN.4/1994/L.79, L.81 and L.90) because it considered them to be politically motivated and designed to isolate the regimes of those countries and pressurize them into changing the political and economic systems freely chosen by their peoples. Its vote against those resolutions, which were unbalanced and did not faithfully reflect the efforts of the Governments concerned, should not be interpreted as support for human rights violations. Its position in that regard was well known: the protection of human rights should be achieved through a dialogue based on neutrality, objectivity and impartiality.

84. Mr. Chang Hoon KIM (Republic of Korea) said that his delegation had abstained in the vote on the draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1994/L.81). While it was concerned at that situation, it believed that what was needed was the re-establishment of the cooperative relationship between the Islamic Republic of Iran and the Commission which had earlier enabled the Special Rapporteur to visit that country on three occasions.

85. Mr. CHAKRAVARTI (India) said that his delegation had joined the consensus on the draft resolution on the situation of human rights in Kosovo (E/CN.4/1994/L.85/Rev.1) but wished to place on record its reservations regarding resolutions applied on the basis of ethnicity to particular parts of sovereign States. It had also joined the consensus on the draft resolution on human rights violations in Bougainville, (E/CN.4/1994/L.93/Rev.1) but wished to record its view that the Special Rapporteur's mandate, as defined in operative paragraph 7 (b), did not conform to mandates commonly associated with the Commission.

86. Mr. CURÉ (Mauritius) said that, had there been a vote on the draft resolution on the human rights situation in China, (E/CN.4/1994/L.83) his delegation would have abstained, for it felt that the Commission had a duty

not only to condemn abuses, but also, more importantly, to encourage genuine attempts to redress such situations. His Government placed human rights high on its agenda and, during the recent visit to his country of the Minister for Foreign Affairs of China, it had raised the issue, and had received credible assurances that the favourable evolution of the human rights situation in China was an irreversible process. Other information received from independent sources indicated that there had been positive and significant changes in that situation.

87. His delegation thus hoped that there would be no self-righteous criticism in that regard. Nothing should be done that might adversely affect the progress achieved thus far by the Chinese Government, which must be encouraged to continue its endeavours further to improve the human rights situation. His delegation believed that differing perceptions arising out of cultural, historical or political differences could eventually be reconciled through debate. It had thus abstained in the vote on the procedural motion for non-action.

88. The CHAIRMAN said that the Commission had thus completed item 12 of its agenda.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

(agenda item 22) (continued) (E/CN.4/1994/L.23/Rev.1, L.55, L.88, L.92 and L.98)

Draft resolution on the need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography (E/CN.4/1994/L.23/Rev.1)

89. Mr. PEREZ NOVOA (Cuba) introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Australia, Cameroon, China, France, Lesotho, Mauritania and the Syrian Arab Republic and the observer for the Philippines, said that its purpose was to implement the suggestion made by the General Assembly in its resolution 48/156 - the result of an initiative promoted and tabled by the Latin American and Caribbean group to promote the noblest aspirations of the world's children - and to eradicate the abhorrent practices referred to in the title of the draft resolution.

90. The draft resolution had been modified at the request of certain delegations, with a view to securing a consensus and he urged the Commission to adopt it without a vote.

91. He had learned with regret that one delegation had attempted to provoke a confrontation by tabling unnecessary amendments to the draft resolution in its revised form, seeking to change its essence, particularly by deleting the proposal to establish a working group to elaborate guidelines for a possible draft optional protocol to the Convention on the Rights of the Child.

92. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegation of Angola had also become a sponsor of the draft resolution.

93. Mr. FLÜGGER (Germany) said that his delegation was certainly not seeking a confrontation in respect of a matter to which it attached great importance. The issue of the sale of children, child prostitution and child pornography was an abhorrent but a complex one. Action taken to eradicate those practices should thus be well prepared and executed on the widest possible basis. In particular, his delegation thought it desirable to hear the comments of the Committee on the Rights of the Child, the Special Rapporteur, Governments and non-governmental organizations before engaging in any drafting exercise on further standards. It was thus not the right moment to embark upon such an exercise.

94. The draft resolution might serve its purpose if it was accepted on a consensus basis. On behalf of delegations from different geographical groups, therefore, he wished to propose some amendments thereto.

95. Mr. PEREZ NOVOA (Cuba), speaking on a point of order, said that the representative of Germany had said that he proposed to introduce some amendments on behalf of delegations from different geographical groups. He would be interested to know what delegations were involved.

96. Mr. FLÜGGER (Germany) said that, while he did not have available a list of delegations involved, he would be happy to provide the delegation of Cuba with such a list as soon as possible. He went on to propose the following amendments. He proposed that, in operative paragraph 17, the words "establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines" be replaced by the words "request the Committee on the Rights of the Child and the Special Rapporteur to study the need". Operative paragraph 18 would be amended to read "Requests the Secretary-General to invite Governments, intergovernmental organizations and non-governmental organizations to submit comments thereon." Operative paragraphs 19, 20, 21, 22 and 23 would be deleted and replaced by a new paragraph 19, to read: "Decides to remain seized of this matter and to consider it at its fifty-first session."

97. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said her delegation wished to become a sponsor of the revised draft resolution.

98. Mr. FLINTERMAN (Netherlands) said his delegation supported the amendments proposed by the German delegation.

99. Mr. FENN (United Kingdom) said that his delegation, too, had difficulty with the text of the revised draft resolution, whereby a working group of the

Commission would be established to begin work on an optional protocol before a consensus existed in the international community that such an optional protocol was necessary. As had been agreed in Vienna, priority should be given to implementing standards that already existed, such as the Convention on the Rights of the Child, which was an outstanding instrument.

100. However, if the experts in the field - the Committee on the Rights of the Child and the Special Rapporteur - came to the conclusion that an optional protocol was necessary, then his delegation would fully support that decision. The amendments proposed by the delegation of Germany, to the effect that both those experts and the Governments should first be consulted on the need for an optional protocol and the establishment of a working group, appeared to him to be the proper road to follow. That would be the surest way of achieving consensus which, he fully agreed, was a necessary condition in any decisions relating to the rights of the child.

101. Mr. BUTLER (Australia), speaking as a sponsor of the draft resolution, said that the amendments proposed raised at least four questions. The first was whether there was a problem in the field of the sale of children, child prostitution and pornography. The second was whether the will existed to tackle that problem. The next question was whether the means were available to do so and the last was whether there was an urgent need for action. The answers to all those questions were in the affirmative. A recent meeting at Tunis, attended by representatives of many Governments and national institutions, had unreservedly recommended that urgent consideration be given to a draft additional protocol to the Convention on the Rights of the Child. No change to the Convention itself was proposed.

102. The suffering caused by the problem had affected many millions of children, especially in the developing countries, over the past 10 years. It was not fair to ask the most disadvantaged, most vulnerable of all human beings to wait while action was delayed, presumably for the sake of achieving consensus. Consensus on matters affecting children was, indeed, vital but his delegation considered it could best be achieved by a unanimous acceptance of the revised draft resolution as it stood, without the procrastinating amendments.

103. Mr. DAUFRESNE de la CHEVALERIE (France) said he fully agreed with the previous speaker. The problem posed by the sale of children, child prostitution and child pornography was urgent and concerned all countries. Active efforts were needed to find means of combating that phenomenon. Since the amendments proposed by the representative of Germany would delay such action, his delegation was unable to support them.

104. Mr. PEREZ NOVOA (Cuba), having endorsed the views of the two previous speakers, said that the revised draft resolution dealt with an important issue that most of the Commission appeared to agree must be tackled without delay. He appealed to the representative of Germany to withdraw his proposed amendments.

105. Mr. VENTURA (Mexico) recalled that it was the General Assembly, in its resolution 48/156, that had first recognized the need to adopt international measures to prevent and eradicate the sale of children, child prostitution and

child pornography. It had called on the Commission to consider, as a matter of priority, the establishment of a working group to draft the relevant guidelines. In response to that appeal and following much consultation, the sponsors had prepared the revised draft resolution on the subject which, in view of the importance and urgency of the matter, he appealed to the Commission to adopt without the German amendments.

106. Mr. CHABEN (Uruguay) said his delegation could not accept the proposed German amendments, since the General Assembly - a body hierarchically senior to the Commission - had already given a mandate for the establishment of a working group.

107. Mr. GWAM (Nigeria) and Mr. CABRAL D'ALMEIDA (Guinea-Bissau), said that their delegations, which wished to become sponsors of the revised draft resolution, were opposed to the German amendments.

108. Ms. MATTILA (Finland) said that her delegation endorsed the German amendments, since it was important that the Committee on the Rights of the Child and the Special Rapporteur should examine the need for a possible draft optional protocol before the Commission decided to set up a working group on the subject.

109. Mr. OYARCE (Chile) said that the Commission had a moral and political responsibility to find a solution to the problem of the sale of children, child prostitution and child pornography. The proposed working group would undoubtedly consult the Committee on the Rights of the Child, the Special Rapporteur, Governments and the non-governmental organizations. He appealed to the representative of Germany to withdraw his amendments.

110. Mr. EICHER (United States of America) endorsed the German amendments. His delegation considered it important to proceed by consensus and to seek the views of the Committee on the Rights of the Child and of the Special Rapporteur before important decisions were made.

111. On the question of reaching a consensus on the revised draft resolution, he pointed out that the sponsors of the resolution had failed to make the text known to his delegation until late the previous evening. What was being proposed was a major resolution calling for major action. The Commission on Human Rights ought to proceed on reasoned analysis rather than on appeals to emotion. To move ahead with the revised draft resolution without further amendment would set the unfortunate precedent of failing to achieve consensus on a vital issue.

112. Mr. FLUGGER (Germany) said that, although he still thought it would be wiser to proceed one step at a time, he would withdraw his proposed amendments rather than stand in the way of a consensus.

113. Mr. PEREZ NOVOA (Cuba) welcomed the constructive gesture of the representative of Germany, which had paved the way for acceptance of the revised draft resolution by consensus.

114. Mr. CHAKRAVARTI (India), Ms. MALUWA (Malawi), Mr. MOTACHI-NEJAI (Islamic Republic of Iran) and Mr. KPOTSRA (Togo) said that their delegations wished to become sponsors of the revised draft resolution.

115. Mr. EICHER (United States of America) requested that the revised draft resolution be put to the vote.

116. Mr. PEREZ NOVOA (Cuba) said that the withdrawal of the proposed German amendments appeared to have been generally accepted as opening the way to consensus and averting controversy on a topic requiring urgent action. While a vote on the revised draft resolution would be most unfortunate, there could be no other option unless the delegation of the United States withdrew its request.

117. Ms. PARK (Canada) said that her delegation was very concerned at the way in which the discussion was developing. Issues relating to the rights of the child had always been dealt with in the United Nations on the basis of consensus and it would be most unfortunate if such an important subject were put to the vote.

118. All delegations were obviously equally concerned about the sexual exploitation of children but it appeared that some of them had substantial reservations about certain aspects of the revised draft resolution. The differences were not about the seriousness of the problem but about the way in which to tackle it. If some time could be taken for consultation, it was possible that the gap could be bridged and a consensus achieved.

119. Mr. DON NANJIRA (Kenya) said that urgent action was needed to eliminate the atrocities that were taking place and he appealed to all those, in particular the delegation of the United States, who had difficulties with the revised draft resolution to reconsider their positions and allow a decision to be reached by consensus.

120. Mr. PEREZ NOVOA (Cuba) said that, if a vote were to be taken, it would have to be by roll-call.

121. Mr. RODRIGUEZ ALPIZAR (Costa Rica) said he was appalled that political games were being played with the sufferings of children. There was no reason to delay a consensus approval of the revised draft resolution. If the delegation of the United States felt unable to withdraw its call for a vote, it could at least explain why.

The meeting was suspended at 10.20 p.m. and resumed at 10.30 p.m.

122. Mr. EICHER (United States of America) said that, since the draft resolution had first been issued some weeks previously, his delegation had been available for negotiations and consultations. It had not been approached, however, and had been unable even to obtain details of the revised texts. He was very concerned that the discussion was proceeding in a heated atmosphere on a subject that should be dealt with in a much more reasoned fashion. His delegation was prepared to engage in further consultations if the sponsors of the revised draft resolution so wished.

123. Mr. ZHANG Yishang (China) appealed to the delegation of the United States to accept the wishes of the majority. With over 100 draft resolutions before the Commission, it was not always possible for all delegations to be consulted on every one.

124. Mr. PEREZ NOVOA (Cuba) said that, following consultations, the sponsors of the revised draft resolution, found the proposal to put the resolution to a vote unacceptable. If it were maintained, they would insist on a roll-call vote.

125. Mr. HELLER (Mexico) said that, since the sticking point was the decision to establish a working group entrusted with the drafting of an optional protocol, it was unlikely that a consensus could be reached. The great majority of the members of the Commission were either sponsors of or had endorsed the revised draft resolution.

126. Ms. PARK (Canada) said that requests for consultations in the Commission were normally accorded. Since there was a reluctance to grant the request, her delegation formally moved the adjournment of the debate under rule 49 of the rules of procedure.

127. Mr. STEEL (United Kingdom), speaking in favour of the adjournment of the debate, said he hoped that those who questioned the wisdom of the views put forward in support of the German amendments would accept that those who held them were in good faith and equally zealous to promote the cause of children. The differences of views related in fact to the most appropriate way to promote that cause; perhaps a little more time for reflection on that point was needed so that a decision might be reached by consensus.

128. Mr. EICHER (United States of America), speaking in favour of the adjournment of the debate, said that, with a little time for consultation, it might yet be possible to achieve a consensus. It was odd that those who had argued most strongly against confrontation should be pressing for an immediate vote. That would, indeed, set an unfortunate precedent.

129. Mr. PEREZ NOVOA (Cuba), speaking against adjournment of the debate, said that the Commission appeared to be on the verge of consensus. There had been plenty of opportunities earlier for consultation. Since little time was left to the Commission, there should be no further delay in considering such an important draft resolution.

The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.66/Add.1